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Digest of
Workmen's Compensation Laws
1912

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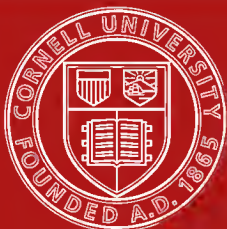
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Digest of Workmen's Compensation Laws

1912

A Reference Work for the
Legislator, Lawyer, Insurance Expert,
Employer and Employee



PREPARED BY

THE NATIONAL ASSOCIATION OF MANUFACTURERS

AND

THE MANUFACTURERS ASSOCIATION OF CONNECTICUT

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PREFACE.

Workmen's Compensation legislation has come to stay. To stand in the way of equitable laws is worse than folly. Humane as well as economic considerations demand the early adoption of Workmen's Compensation laws in every State of the Union. If the progressive element among legislators, employers, wage workers, insurance experts and the public at large do not settle this problem in an economic, efficient and humane fashion, it will be settled for us with a vengeance by the demagogue and agitator. Fourteen States have already enacted Workmen's Compensation laws of one kind or another. There is little uniformity among these laws and their respective merits are problematic. Reasonable uniformity is an essential requirement to the future success of Workmen's Compensation legislation in the United States. There is nothing that will promote uniformity and progress more than a general knowledge of laws already enacted. This booklet, giving a complete but concise digest of details of each State law as compared with similar ones in the laws of other States, should be in the hands of every progressive legislator, writer, employer, employee, insurance expert and every student of this important problem, which is second to none in the United States at the present day.

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STATES INCLUDED.

California.
Illinois.
Indiana.
Kansas.
Maryland.
Massachusetts.
Michigan.
Nevada.
New Hampshire.
New Jersey.
Ohio.
Pennsylvania—Proposed.
Rhode Island.
United States—Proposed.
Vermont.
Washington.
Wisconsin.

Digest of Workmen's Compensation Laws.

AGREEMENTS AS TO COMPENSATION AFTER ACCIDENT.

Cal. Sec.	28	Allowed. Dependents have no interest which Employee may not avoid by settlement.
Ill. Sec.	12	If made within 7 days, presumptively fraudulent. After that time allowed.
Kan. Sec.	23 27	Permitted in form provided by Act. Must be in writing, signed and acknowledged by the parties. Must specify amount due, and amount to become due. Employer must file same in Court within 60 days or it is void as against Employee. Employer has option of filing.
Md.		May be made according to contract.
Mass. Part Sec.	3 4	Parties may agree and file memorandum of agreement with Board. If approved by Board, becomes enforceable as a judgment of the Superior Court.
Mich. Part Sec.	3 5	Must be filed with Board and approved by it.
Nevada. Sec.	14	Permitted. Dependents have no absolute interest which Employee may not avoid by settlement.
Penn. Art. Sec.	2 18	Must be filed in Court. Cannot agree as to commutation. Costs of filing as on confession of judgment.
R. I. Art. Sec.	3 1	Must be filed in Court and approved by Judge. May relate only to amount. Can be enforced by execution against property and by contempt proceedings.
U. S. Sec.	8 12	Permitted after 14 days, must be in triplicate, in writing, signed and acknowledged, state the amount of compensation to be paid monthly, time for which to be

paid and must accord with Bill. Filed with Adjuster. Form for agreement given. If any payment is not made as agreed, Employee may bring suit thereon or rescind. If Employer does not file same within 60 days, is voidable by Employee. Employee has option to file.

ALIENS, WHETHER INCLUDED OR NOT.

Cal.		Not mentioned, so included.
Ill.		Not mentioned, so included.
Ind.		Not mentioned, so included.
Kan. Sec.	11	If not residents of the United States or Canada, \$750 is the maximum amount payable.
Mass.		Not mentioned, so included.
Mich. Part Sec.	2 7	Aliens who are non-residents, specifically included.
Nevada.		Not mentioned, so included.
N. Hamp. Sec.	6	Beneficiaries must be residents of New Hampshire, aliens therefore excluded.
N. J. Sec.	11	Aliens, not residents of United States, excluded.
Ohio		Not mentioned, so included.
Penn. Art. Sec.	2 8	Alien widows and children, not resident of the United States, receive same compensation as resident, except that Employer may make lump sum payment of two-thirds of the amount of all future payments as payment in full. Other aliens are excluded.
R. I.		Not mentioned, so included.
U. S. Sec.	21 (7)	Those not residents of United States or Canada excluded, except if there is a non-resident widow and no resident children, widow receives one year's wages. If non-resident children and no resident widow or children, then non-resident children receive a like amount.
Vt.		Not mentioned, so included.

Wash. All aliens, not residents of the United States, ex-
Sec. 5 cept parents, excluded.

Wis. Specifically included.
Sec.
 2394-10

ALTERNATIVE PRIVATE PLAN AS SUBSTITUTE FOR COMPENSATION PROVIDED BY ACT.

Cal. Act provides that it shall not affect any plan be-
Sec. 24 tween Employer and Employee which is to make pro-
 vision for further benefits than those provided by Act.
 Other than this no alternative plan is mentioned.

Ill. Permitted if Employer pays enough to pay as much
Sec. 15 as provided by the Act, exclusive of cost of maintenance
 without expense to the Employees. Does not forbid any
 mutual organization if the Employer pays all the ex-
 pense. If the Employee is forced to contribute, the plan
 becomes null and void, and Employer is liable to fine of
 not less than \$10, nor more than \$25 for each offense.

Kan. Employer and Employee may agree on a mutual
Sec. 39 association. Employer must provide at least as much as
 40 provided by Act and expense of management. If Em-
 41 ployee contributes he must receive additional benefits
 42 equal to his contribution. This relation can only be es-
 43 tablished by contract. Certificate for same is issued by
 Insurance Commissioner with advice of Attorney Gen-
 eral. Is supervised by Commissioner. Plan must pro-
 vide for equitable distribution of funds in case plan is
 wound up. If plan at any time fails to carry out its
 purpose, certificate can be revoked by Commissioner.

Md. The Maryland plan is wholly contractual. Employ-
 er may cover his liability by insurance in casualty com-
 pany. If he has 1500 employees, he may have mutual
 company. Act provides for various conditions which
 are to go into insurance contract. Premiums from Em-
 ployes may be deducted from their wages.

R. I. Parties may substitute plan so long as Employer
Art. 4 pays as much as is provided by Act. Plan must be ap-
Sec. 1 proved by Judge. If Employee contributes must receive
 2 additional benefits. No contract to be made for longer
 3

period than 5 years. Must contain provision for equitable distribution of money and securities when plan is terminated. May be revoked for cause shown after reasonable notice to parties.

Wis.
Sec.

Same as California.

2394-26

ARBITRATION OF CLAIMS FOR COMPENSATION.

Ill.
Sec.

10 Three arbitrators. Each side chooses one. Judge appoints third. Facts must be submitted by parties within 10 days. Arbitrators investigate, hold hearing and file their award with State Bureau. Is final except for mistake or fraud.

Kan.
Sec.

24 Dispute may be left to committee of arbitration by
25 agreement. If no decision is given by committee within
26 60 days, then parties may agree upon single arbitrator,
27 or in case of their disagreement, one may be appointed
28 by the Judge. The agreement for arbitration may name
29 the arbitrator, fix his fees and the time for his decision.
30 Award is only on the amount unless otherwise agreed.
31 The award must be in writing. Notice of the same to be given the parties. Where arbitrator's fee is not agreed on, it is fixed by law at a maximum of \$10 per day not to exceed 10 days. Award must be signed and acknowledged. Must state the amount due, the amount to be paid and the time for payment. Employer must file the award in Court within 60 days or the Employee is not bound thereby. Employee has option of filing same if he chooses.

The award may be cancelled by the proper court within one year on proper cause shown. Fraud, undue influence, error of arbitrator or the fact that the Employee has left the United States or Canada so that no medical examination can be had are sufficient causes.

Execution on any judgment on an award may be stayed by Employer insuring the liability or by giving a bond for payment.

Employee where he is doubtful as to his security may apply for judgment for a lump sum equal to 80 per cent. of the amount due and prospectively to become

due. Judge may grant same if satisfied that Employee's contentions are correct. Employer may file bond to stay execution.

Md. Arbitration by agreement permitted by Act.

Mass. After an accident the Board notifies parties to each
Part 3 appoint an arbitrator. Member of Board is third and
Sec. 5 chairman. If either party fails to appoint after 7 days,
 6 Board makes the appointment. Hearing is held at place
 7 of injury. Decision is filed with Board. Final unless
 8 appeal taken within 7 days. Fees of arbitrators, \$5 per
 9 day, are paid by Association but one-third is deducted
 from the compensation paid. Arbitrators may appoint
 physician to make physical examination of Employee.
 Fee of physician is \$5. Have usual powers as to exam-
 ination of witnesses, etc.

Nevada Parties may settle disputes by arbitration. Each
Sec. 7 side appoints one. These two choose third. Give hear-
 8 ing within 3 months. Make award within 2 weeks there-
 after. Award is final.

U. S. Parties may organize arbitration committees.
Sec. 9 Names and addresses of same to be furnished Adjuster.
 Can have arbitration only by mutual consent. Decision
 is final. Is filed with Adjuster, who files same in Court.
 If the committee fails to make an award within 90 days,
 the matter is taken from it and goes to the Adjuster.

Mich. Same as Massachusetts.

Part 3
 6
 7
 8
 10

BOARDS AND COMMISSIONS OF AWARDS.

Cal. Three members appointed by Governor with con-
Sec. 12 sent of Senate. Term, 4 years. Salary, \$3600 and ex-
 13 penses. Expenses must be sworn to and approved by
 14 Chairman. Shall keep record of elections and with-
 27 drawals. Cause notice of same to be given to Employees.
 If notice is not actually given, Employees are presumed
 to have had same. Hears disputes, makes own rules of
 procedure, compel attendance of witnesses, furnish

blanks for information, record all awards, and further detailed powers.

Mass. Industrial Accident Board appointed by Governor
Sec. 1 with consent of Council. Three members for 6 years.
 2 Salary, \$6000 and expenses. Makes its own rules of
 3 procedure. Hears disputes and is given full powers to
 16 make same effectual. Decision on facts final. Law
Part 3 questions may be taken to Supreme Court.

Mich. Industrial Accident Board appointed by Governor
Part 3 with consent of the Senate. Three members, 6 years.
Sec. 1 Salary \$3500 and expenses. Expenses must be verified
 2 and approved by chairman. Not more than 2 to one
 3 political party. Makes own rules of procedure. Hears
 4 disputes, has seal, may employ assistants, approve all
 9 compromises, keeps books of record, give notice of elec-
 tions and withdrawals, and other detailed powers. Em-
 ployee presumed to have notice of election and with-
 drawals whether notice given by Board or not. May ap-
 point physician to examine employee at expense of State.

N. J. Appointed by Governor. Term, 6 years. No salary,
Chap. 241 but expenses paid. Duty is to watch operation of Act,
Laws 1911 receive reports, and make recommendations concerning
 Act.

Ohio State Liability Boards of Awards, appointed by
Sec. Governor. Three members for 6 year term. Salary,
 1 to 18 \$5000 and expenses. Not more than 2 to same political
 37 party. Always in session. Makes its own rules of pro-
 39 cedure, employs assistants, classifies Employers, has
 charge of State Insurance. May have no other occupa-
 tion. One member may act for all, but act must be ap-
 proved by majority. Employer must furnish required
 information. Board has plenary powers as to obtaining
 evidence.

Must make annual report to Governor under oath of
 at least two members. Report to contain any recom-
 mendations.

Wis. Industrial Accident Board appointed by Governor
Sec. with consent of Senate. Commissioner of Labor a
 2394-13 member by virtue of his office. Term, 4 years. Salary,
 14 \$5000 and expenses. Expenses must be sworn to and
 29

approved by chairman. Has seal, makes own rules of procedure, settles disputes, plenary powers for obtaining evidence. Keeps record of elections and withdrawals and of awards. Gives notice to Employees, by posting at plant, of elections and withdrawals. If Board fails to give such notice, Employees nevertheless are presumed to have knowledge of same.

COMPENSATION FOR DEATH, TO WHOM PAYABLE.

Cal. Sec. 9 (4)	Directly to dependents or guardians.
Ill. Sec. 4 (2)	To personal representative for dependents.
Kan. Sec. 14	Directly to dependents or administrator.
Mass. Sec. 13 Part 2	(1) Legal representatives, (2) dependents, (3) to person who paid for last sickness or burial, in order named.
Mich. Part 2 Sec. 7	Directly to dependents or guardians. If one dies, share is pro rated among the others.
Nevada Sec. 5 (c)	To legal representatives for benefit of dependents, (2) public administrator for benefit of those who paid for last sickness and burial.
N. Hamp. Sec. 6	To legal representatives for dependents, (2) to person who paid for last sickness and burial.
N. J. Sec. 12	To executor or administrator.
Ohio Sec. 29	May be made to one dependent for the benefit of all.
Penn. Sec. 6	Directly to dependents.
R. I. Art. 2 Sec. 15	Legal representatives, (2) dependents, (3) person who paid for last sickness and burial.
U. S. Sec. 26	Directly to dependents or guardians.

Vt. Directly to dependents.
Sec. 3

Wash. Directly to dependents.
Sec. 5

Wis. Directly to dependents or guardians.
Sec.
2394-10 (a)

Payments in all states are made to Employee while alive.

CONSTITUTIONALITY OF WHOLE AS AFFECTED BY PARTS.

Ill. No part to affect any other if it can be given effect
Sec. 24 without it.

Mich. Part 5 (administration by insurance commissioner)
Part 6 to be deemed separate part of Act. It may fail without
Sec. 2 affecting any other part. One part not to affect any
 6 other if it can be given effect without it. If whole Act
 is declared invalid, the statute of limitations is saved.

N. J. Sections 1 and 2 are declared inseparable. If one
Sec. 24 fails the other must also. Otherwise no part to affect
 any other.

Penn. Articles 1 and 2 are inseparable. If one fails the
Art. 3 other must also. Otherwise one part not to affect any
Sec. 2 other.

R. I. No section declared invalid to affect any other if it
Art. 5 can be given effect without it.
Sec. 4

Wash. If Section 4 (State Insurance Plan) is declared in-
Sec. 27 valid, the whole Act is to be invalid. Otherwise no part
 28 declared invalid to affect any other. Statute of limita-
 tions saved in case of invalidity.

Wis. Section 4 as to Employers and the paragraph fol-
Sec. lowing to be deemed separate and should not affect rest
2394-32 of Act if declared invalid. No paragraph to affect any
 other if it can be given effect without it.

Not mentioned in other states.

**CONTRACTORS, LIABILITY OF PRINCIPAL FOR
INJURIES TO EMPLOYEES OF SUB-
CONTRACTORS.**

- Ill.** Principal Employer liable to injured workmen of
Sec. 20 Contractor if he does not have compensation guaranteed by Contractor. The work done by the Contractor must be in connection with the trade or business of Principal or must be upon premises under his control. Any contractor trying to avoid this liability by any device becomes liable as a principal employer.
- Kan.** Principal liable. Work must be in connection with
Sec. 4 business of principal or on premises under his control. Employee may proceed against either principal or contractor. If against Principal, Principal is subrogated to all his rights as against the Contractor.
- Mass.** Principal liable as in Kansas. Where principal pays
Part the compensation, has direct claim against Contractor.
Sec. 17 Does not apply to contracts which are merely ancillary or incidental.
- Nevada** Principal liable as in Kansas on basis of wages of
Sec. 10 Contractor. Otherwise as in Kansas.
- N. J.** Principal liable as in Kansas, except that it only
Sec. 3 applies under Section 1 (liability part).
- Penn.** Principal liable as in Kansas.
Art. 1
Sec. 4
Art. 2
Sec. 3
- Vt.** Principal liable as in Kansas.
Sec. 7
- Wash.** Contractor is primarily liable. Principal is surety
Sec. 15 for payment. On public contracts the State is surety. If State pays, may collect from contractor.

In other states not mentioned, so follows general laws.

COSTS OF SUIT, AGAINST WHOM TAXED.

Cal. Sec.	21	In discretion of Court.
Kan. Sec.	26	Fees of arbitrators taxed or apportioned in discretion of Board. Employer's share paid in first payment of compensation. Arbitrators' fees are first lien on first payment.
Mass. Part Sec.	3 14	In discretion of Court. If suit is brought or defended without reasonable grounds, whole costs are taxed against loser.
Mich. Part Sec.	3 10	In arbitration, paid by the State.
Nevada Sec.	9	Against loser together with reasonable attorney fee.
N. Hamp. Sec.	9	In discretion of Court.
N. J. Sec.	20	In discretion of Court.
Ohio Sec.	36	Against loser. Claimant, if successful, is allowed reasonable attorney fee.
Penn. Art. Sec.	2 15	In discretion of Court. Physician's fee for examination may be taxed as part of the costs.
R. I. Art. Sec.	3 6	In discretion of Court. None taxed against infant, incompetent, guardian or conservator.
U. S. Sec.	14	Against loser.
Wash. Sec.	20	Paid out of Fund. If defendant loses, claimant allowed costs, including reasonable attorney and physician fees.
Wis. Sec.	2394-22	None against Board. As between parties, in discretion of Court.

In other states would follow the general laws as to costs.

DEATH, COMPENSATION FOR.

- Cal.** (1) If deceased leave wholly dependents:
Sec. 8 3 years' wages—Limits \$1000 to \$5000.
Par. 3 (2) Partly dependents:
 In proportion to their relative dependency. Maximum 3 years' wages.
 (3) No dependents:
 Burial not to exceed \$100.
 (4) If death occurs during permanent disability within 15 years, death benefit shall only be paid where death is the proximate result of the accident.
- Ill.** (1) Wholly dependents:
Sec. 4 4 years' wages—limits, \$1500 to \$3500. Dependents
Par. A within the meaning of this paragraph are lineal heirs to whose support he has contributed within 5 years.
 (2) Partly dependents:
 Equals collateral heirs in proportion to the contribution made to them.
 (3) No dependents:
 Burial not to exceed \$150.
- Ind.** Commensurate with the injury with maximum
Sec. 4, 6 amount \$10000. This is liability law.
- Kan.** (1) Wholly dependents:
Sec. 11 3 years' wages computed on 30 days prior to accident and 50 times weekly. Limits, \$1200 to \$3600. If not residents of Canada or United States, maximum is \$750.
 (2) Partly dependents:
 In proportion to the extent of injury suffered by dependents.
 (3) No dependents:
 Last sickness and burial not to exceed \$100.
- Md.** (1) Wholly dependents:
 3 years' wages. Minimum, \$1000.
 (2) Partly dependents:
 3 years' wages less 6 times the annual earnings of the dependents.
 (3) No dependents:
 Last sickness and burial with limits of \$75 to \$100.

- | | | |
|-----------------|----|--|
| Mass. | | (1) Wholly dependents: |
| Part | 2 | Fifty per cent. for 300 weeks. Weekly limits, \$5 to |
| Sec. | 3 | \$10. |
| Sec. | 8 | (2) Partly dependents: |
| | | In proportion to contributions to dependents. |
| | | (3) No dependents: |
| | | Last sickness and burial not to exceed \$200. |
| | | (4) Amounts in (1) and (2) doubled in case of serious or wilful misconduct on the part of a Subscriber. |
| Mich. | | (1) Wholly dependents: |
| Part | 2 | Fifty per cent. for 300 weeks. Weekly limits, \$4 to |
| Sec. | 5 | \$10. |
| Sec. | 8 | (2) Partly dependents: |
| | | In proportion to contribution to dependents. Same limits. |
| | | (3) No dependents: |
| | | Last sickness and burial not to exceed \$200. |
| Nevada | | (1) Wholly dependents: |
| Sec. | 5 | If death results within 5 years, 3 years' wages. Based on wages for preceding year. Limits, \$2000 to \$3000. |
| | | (2) Partly dependents: |
| | | Fifty per cent. of that paid in case deceased leaves persons wholly dependent. |
| | | (3) No dependents: |
| | | Last sickness and burial not to exceed \$300. |
| N. Hamp. | | (1) Wholly dependents: |
| Sec. | 6 | 150 weeks' wages based on full time for preceding year. Maximum, \$3000. |
| | | (2) Partly dependents: |
| | | In proportion to contribution to dependents. |
| | | (3) No dependents: |
| | | Last sickness and burial not to exceed \$100. |
| N. J. | | Weekly limits, \$5 to \$10, except where wages are |
| Sec. | 12 | less than \$5 weekly, then payment in full. Period 300 weeks. |
| | | (1) To widow alone, 25 per cent.; if one child, 40 per cent.; for each additional child, 5 per cent.; maximum 60 per cent. |
| | | (2) To child alone, 25 per cent.; for each additional child over 2, 10 per cent., with maximum of 60 per cent. |

- (3) To widow and father or mother, 50 per cent.
- (4) To grandparents, grandchildren, or incapacitated brothers and sisters, 25 per cent.
- (5) Payments to children cease when they become 16. Aliens not residents of United States excluded.
- (6) No dependents:
Last sickness and burial not to exceed \$200.

Ohio
Sec.

- 28 (1) Wholly dependents:
If death occurs within 2 years, $\frac{2}{3}$ weekly wages for 6 years. Limits, \$1500 to \$3400.
- (2) Partly dependents:
Two-thirds weekly wages for such part of 6 years as the Board may decide. Maximum, \$3400.
- (3) No dependents:
Last sickness and burial not to exceed \$150.

Penn.
Art.
Sec.

- 2
6 Period 300 weeks. Wages not to be over \$20 weekly or less than \$10. Thus limited following amounts are paid:
- (1) Orphan, 25 per cent.; for each orphan over 2, 10 per cent additional, with maximum of 60 per cent.
 - (2) Widow or widower alone, 25 per cent.; same with 1 child, 40 per cent.; for each additional child, 5 per cent., with maximum of 60 per cent.
 - (3) Father or mother who are dependent, 20 per cent.
 - (4) Brothers or sisters under 16 or over 16 and dependent, for 1, 15 per cent.; for each additional one, 5 per cent., with maximum of 25 per cent.
 - (5) No dependents:
Last sickness and burial not to exceed \$200.
Payments are made to children under 16 or over 16 where they are mentally or physically incompetent. Payments are made to widowers only when they are incompetent and dependent upon the deceased. Payments to widows or widowers cease on death or remarriage, but payments are continued to children as if they were orphans.

R. I.
Art.
Sec.

- 2
6 (1) Wholly dependents:
Fifty per cent. for 300 weeks. Weekly limits, \$4 to \$10.

- (2) Partly dependents:
In proportion to contribution to dependents for same period.
- (3) No dependents:
Last sickness and burial not to exceed \$200.

U. S.
Sec.
A

21 Period 8 years. Payments are made monthly.
Maximum and minimum monthly wages are \$100 and \$50.

- (1) Widow alone, 40 per cent.; with child, 50 per cent.
- (2) Orphan, 25 per cent.; each additional child, 10 per cent., with maximum of 50 per cent.
- (3) One parent, if partly dependent, 15 per cent.; if wholly, 25 per cent.; if two parents, 40 per cent.
- (4) Brothers and sisters, if but one, 20 per cent.; if more than one, 30 per cent; if partly dependent, 10 per cent.
- (5) Non-resident widow and no resident children, 1 year's wages.
- (6) Non-resident children and no resident widow or children, one year's wages.
- (7) If monthly compensation does not exceed \$15, then funeral expenses not to exceed \$75.
- (8) No dependents:
Funeral expenses not to exceed \$150.
Payments to children cease at 16, or if over 16 and mentally or physically incompetent, when they cease to be so.
Aliens not resident of the United States or Canada excluded except as in (5) and (6).
If widow dies or remarries, children take for unexpired term.

Sec.

23 In case of death not immediate and during continued disability, balance unpaid of death claim must be paid.

Vt.
Sec.

2 Maximum for injury alone, \$4000. For injury and
5 death combined, \$5000. Where death is instantaneous, minimum is \$500. Damages to be determined with reference to culpability of Employer.

Wash.
Sec.

5 Payments are made monthly.
(1) Widow or invalid widower, \$20 until death or remarriage; for each child, \$5 additional, with maxi-

mun of \$35. On remarriage of spouse, receives lump sum of \$240. Payments to children continue in case of death or remarriage, but doubled, and ceases when they become 16.

- (2) If deceased were unmarried, \$20 to parents until he would have become 21.
- (3) For each child under 16, \$10, with a maximum of \$35.
- (4) Partly dependents:
Fifty per cent. of amount actually contributed in the preceding 12 months.
- (5) In all accidents resulting in death, burial not to exceed \$75 is paid.
- (6) No dependents:
Burial not to exceed \$75.

Wis.

Sec.

2394-9

- (1) Wholly dependents:
4 years' wages.
- (2) Partly dependents:
In proportion to contributions made by deceased.
- (3) No dependents:
Burial not to exceed \$100.
- (4) If death results during continued disability, balance of death benefit must be paid to those wholly dependent, and a proportionate part to those partly dependent.
- (5) If injury results from failure of Employer to conform to safety statute, the amount in (1) and (2) is increased 50 per cent., but not if Employee is to blame for not using safety device. In latter case the Employee's compensation is reduced 10 per cent.

2394-10 (6) Annual wages are limited from \$375 to \$750.

DEFENSES ABOLISHED.

Cal.

Sec.

- (1) Fellow servant.
- 1 (2) Trade risk.
- (3) Doctrine of comparative negligence obtains.
- 3 (4) Contributory negligence is abolished absolutely in case of violation of a statute for the safety of Employees.
- 2 (5) Wilful misconduct is still defense under compensation part of Act.

- Ill.** (1) Fellow servant.
Sec. 1 (2) Trade risk.
Par. 1
Sec. 8 (3) Contributory negligence reduces damages.
(4) If injury was deliberate intention of Employee, there can be no compensation.
- Ind.** (1) Fellow servant modified.
Sec. 2 (2) Trade risk modified.
(3) Contributory negligence if Employer violates safety statute or lawful order. Burden of proof of same on Employer. Question of fact for jury.
- Kan.** (1) Fellow servant.
Sec. 46 (2) Trade risk.
(3) Contributory negligence reduces damages. (Only when Employer does not elect.)
Sec. 47 (4) None are abolished if Employee does not elect Act, but if injury is result of gross negligence of Employer or some managing officer or the violation of safety statute, the defenses are taken away.
Sec. 1 (b) (5) Deliberate intention, failure to use safety device, breach of safety statute, and intoxication are still defenses under the compensation part of Act.
Sec. 8 (6) Only applies when there are 15 or more Employees.
- Mass.** (1) Fellow servant.
Part 1 (2) Trade risk.
Sec. 1 (3) Contributory negligence.
Part 2
Sec. 2 (4) Serious or willful misconduct still defense under Act.
- Mich.** (1) Fellow servant.
Part 1 (2) Trade risk.
Sec. 1 (3) Contributory negligence except if willful.
Part 2
Sec. 2 (4) Willful misconduct still defense under Compensation part of Act.
- Nevada** (1) Fellow servant.
Sec. 1 (2) Trade risk.
(3) Comparative negligence applies.
(4) If Employer violates safety statute, contributory negligence abolished entirely.
- N. Hamp.** (1) Fellow servant modified by narrowing scope.
Sec. 2
3 (2) Trade risk.

- (3) Violation of statute, serious or willful misconduct, intoxication, still defenses.

- N. J.**
 Sec. 1, 2, 7 (1) Fellow servant.
 (2) Trade risk.
 (3) Willful misconduct, self-inflicted injury and intoxication, still defenses.
- Ohio**
 Sec. 21-1 (1) Fellow servant.
 (2) Trade risk.
 (3) Contributory negligence.
 (Only abolished when Employer does not elect Act. Must have 5 Employees.)
- Penn.**
 Art. 1 (1) Fellow servant.
 Sec. 2 (2) Trade risk.
 3 (3) Negligence of persons licensed by state is negligence of Employer.
 5 (4) Contributory negligence except if willful and burden of proof of same on defendant.
- R. I.**
 Art. 1 (1) Fellow servant.
 Sec. 1 (2) Trade risk.
 Art. 2 (3) Negligence except if willful.
 Sec. 2 (4) Refusal to use safety device, violation of safety law, and intoxication, defenses under compensation part.
- U. S.**
 Sec. 1 (1) Employer made liable for all injuries from whatever cause except,
 6 Willful intention or intoxication while on duty remain defenses.
- Vt.**
 Sec. 1 (1) Fellow servant modified by limiting number of persons who could be called fellow servants.
 (2) Trade risk modified.
 Sec. 8 (3) If Employee knew of defect and failed to give notice of same within a reasonable time, trade risk is still a defense.
- Wash.**
 Sec. 8 (1) Fellow servant.
 (2) Trade risk.
 (3) Comparative negligence obtains.
 Sec. 6 (4) Willful intention is still defense.
 If injury is deliberate intention of Employer, Em-

- employee may take compensation or sue at law.
- Sec. 8 (5) Same as (4) where Employer defaults payments.
- Wis. (1) Fellow servant if 4 or more Employees.
- Sec. 2394-1 (2) Trade risk.
- 4 (3) Serious or willful misconduct still defense under compensation part.

In all states there is the general qualification that the injury must result to the Employee in the course of his employment.

DEPENDENTS, HOW DEFINED.

- Cal. Conclusive: husband, wife, child under 18 or over
Sec. 9 18 if dependent.
Others according to facts.
Those wholly dependent exclude those partly dependent and share equally.
Those partly dependent share according to their relative dependency.
- Ill. Wholly dependents: widow, children, parents and
Sec. 4 lineal heirs to whose support he has contributed within 5 years.
Partly dependent: collateral heirs who are in part dependent.
- Ind. Widow, husband, child—then parents—then next of
Sec. 1 kin.
- Kan. Widow, husband, children, step-children, parents,
Sec. 9 step-parents, grandparents, grandchildren, including step-grandchildren, brothers and sisters of whole or half-blood. Adopted children are included.
- Md. Widow, husband, lineal descendants and ancestors, step-parents and step-children, brothers and sisters of whole and half-blood.
- Mass. Conclusive: husband, wife, child under 18 or over
Part 2 18 if dependent.
Sec. 7 Others according to facts at time of accident.
Wholly take to exclusion of partly and share equally.

Part Sec.	5 2	Partly share according to relative dependency. Must be member of family or next of kin.
Mich. Part Sec.	2 6	Conclusive: husband, wife, children under 16 or over 16 if dependent. Others according to facts at time of injury. Wholly exclude partly and share equally. Partly share according to relative dependency. Must be member of family, ancestor or lineal de- scendant.
Nevada Sec.	2	Wife, husband, father, mother, sister, brother, children and grandchildren, if wholly or partly depend- ent.
N. Hamp. Sec.	6	Widow, children or parents, residents of State.
N. J. Sec.	12	Widow, children under 16, father, mother, grand- parents, grandchildren, incapacitated brothers and sis- ters. Must be residents of United States.
Ohio		Not specified, so follows general law.
Penn. Art. Sec.	2 6	Orphans, widow, widower, father, mother, brothers and sisters, sisters under 16 or over 16 if dependent.
R. I. Art. Sec.	2 7 8	Conclusive: wife, husband, children under 18. Others according to facts at time of injury. Wholly exclude partly and share equally. Partly share according to relative dependency.
U. S. Sec.	21 27	Those entitled under Act to compensation and legal representatives of deceased. Also guardians of infants and conservators of incompetents.
Vt. Sec.	3	Widow and next of kin. Follows general law.
Wash. Sec.	3	Husband, widow, boy under 16, daughter under 18, parents, grandparents, grandchildren, step-parents and step-children, brothers and sisters of whole or half- blood, nieces and nephews, posthumous and illegitimate children, included.
Sec.	5	Husband or wife living in state of abandonment for 1 year prior to accident not included as dependents.

- Wis.** Conclusive: wife, husband, child under 18.
Sec. Others according to facts at time of injury.
 2394-10 Children wholly dependent exclude those partly and share equally.
 Partly share according to relative dependency.
 Must be member of family, lineal ancestor or descendant, or brother or sister.

In all above cases a child over 16 dependent, means one who is mentally or physically incapable of earning a living.

ELECTION OF COMPENSATION REMEDY.

- Cal.** Employer by notice in writing to Board. Binds
Sec. 5 for one year from date and annually thereafter. May withdraw election by 60 days' notice in writing to Board before end of year.
Sec. 7 Employees of municipal corporations conclusively presumed to elect.
 All other Employees who do not give notice to their Employers that they do not intend to be bound.
Sec. 3 In case of gross negligence on the part of the Employer or his violation of any safety statute, an Employee may elect under Act or at law.
Ill. Employer is presumed to elect unless he gives
Sec. 1 notice otherwise to State Labor Bureau. Is bound annually. May withdraw presumptive acceptance by 60 days' notice to Bureau and posting notice of same in his plant.

Employees are also presumed to be bound unless they give notice otherwise to Bureau. Employer is notified of such refusal by Bureau. Before Employee can bound the Employer must post in his plant a notice containing the compensation provisions of the Act.

- Ind.** Employer has none.
Sec. 11 Employee can elect before suit and after accident.
Kan. Employer files notice of election with Secretary of
Sec. 44 State. Binds for one year and annually thereafter. Withdrawal on 60 days' notice and posting same in plant.

- Sec. 45. Employee presumed to elect unless notice otherwise to Employer. Withdrawal by notice to Employer.
Employer may not make election condition of employment.
- Sec. 2 If negligence is that of Employer or managing officer, the Employee may elect remedy after accident.
- Sec. 8 Joint election is permitted where less than 15 are employed.
- Mass.**
Part 1 Employer elects by becoming a Subscriber.
Sec. 5 Employee unless he gives notice otherwise to Employer at time of hiring, or within 30 days after Employer becomes a Subscriber. Refusal may be withdrawn by similar notice which takes effect in 5 days.
- Mich.**
Part 1 Employer by filing notice with Board and specifying method of payment to be used. Binds for one year
Sec. 6 and annually thereafter. Withdrawal on 60 days' notice and posting in plant. Notice of election must also be posted within 10 days after approval by Board.
- Sec. 8 Employees of municipal corporations conclusively bound. All other employees unless notice otherwise to Employer, or if they remain in employ for 30 days after Employer elects. May withdraw refusal by similar notice which takes effect in 5 days.
- Nevada**
Sec. 11 Employer has none.
Employee may elect after accident whether to take under Act or at law.
- N. Hamp.**
Sec. 3 Employer by filing notice with Labor Commissioner and posting notice of same in plant. Must satisfy Commissioner of his financial ability or give bond. May withdraw on like notice and posting.
Employee may elect after accident but before suit.
- N. J.**
Sec. 9, 10 Both employer and employee presumed to be bound
Chap. 368 as regards future contracts unless notice be given to the other.
Withdrawal may be had on 60 days' notice.
Makes it apply also to existing contracts.

Ohio
Sec. 20-1 Employer elects by paying into insurance fund and posting.

Employee by remaining in service after notice that the Employer has elected.

Applies only where at least 5 are employed.

Sec. 21-2 If the injury is caused by the willful act of the Employer or his violation of a safety statute, then Employee may elect Act or sue at law.

Penn.
Art. 2 Both presumed to accept unless notice otherwise is served on other party. Proof of service is to be under oath and filed with Bureau of Industrial Statistics within 10 days. Applies to existing contracts unless similar notice be given and filed. In case of minors notice is given by or to parents or guardian. No governmental authority or official may serve notice on any other governmental employee. Applies also to Employees of contractor unless Employer posts notice that he will not be bound and files same with Bureau.
Sec. 3

Sec. 5 Withdrawal of election on 60 days' notice in writing. Copy of notice and proof of service to be filed with Bureau.

R. I.
Art. 1 Employer by notice to Commissioner and posting.
Sec. 5 Binds for one year and annually thereafter. Withdrawal on 60 days' notice.

Sec. 6 Employee unless he gives notice otherwise to Employer and within 10 days files copy of notice with the Commissioner. Becomes bound for one year and annually thereafter as Employer. Withdrawal on same terms as Employer.

U. S. Compulsory, no election for either party.

Vt.
Sec. 9 Employer has none.
Employee may elect before suit brought.

Wash.
Sec. 8 Employer has none.
Employee may elect before suit.

In non-hazardous industries Employer and Employee may elect jointly on basis of 90 per cent of that paid by extra hazardous.

- Wis.**
Sec. 2394-6 Employer by filing notice with Board. Binds for one year and annually thereafter. Withdrawal on 60 days' notice before end of year.
- 29 Notices of such elections and withdrawals to be given Employee by Board by posting in plant. Employees presumed to have knowledge if Board fails to do so.
- 8 Employees of municipal corporations conclusively bound. All others unless notice otherwise in writing to Employer. Remaining 30 days after notice that Employer has elected constitutes an election by the Employee.

In states where employees of municipal corporations are bound, officials are excepted.

EMPLOYEE, DEFINITION OF.

- Cal.**
Sec. 6 All employees of state, county, etc., except officials elected or appointed for term of one year or more. All other employees who elect.
- Ill.**
Sec. 21 One employed in specified industries whose work is not casual or incidental. Clerical or administrative employees who are not exposed to the hazard of the industry excepted.
- Ind.** Not mentioned, so presumably all employees. A liability law.
- Kan.**
Sec. 7 All persons for hire except casual employment and that not for purpose of business. Includes legal representatives of deceased employees and guardians.
- Mass.**
Part 5 Any person for hire except casual employment and
Sec. 2 that not for purpose of trade, business, etc. Includes legal representatives.
- Mich.**
Part 1 All employees of State, County, etc., except officials.
Sec. 7 Does not include employees of contractor doing work for same. All other employees who elect.
- Nevada**
Sec. 2 All employees in specified industries. Includes personal representatives of deceased.
- N. Hamp.**
Sec. 1 All employees in specified industries.

- N. J.**
Sec. 23 All persons who work for hire except casual employment.
- Ohio** All employees who elect.
- Penn.**
Sec. 1 Employee is synonymous with servant. Includes
Art. 3 all natural persons who serve for hire except casual employment. Does not include bailees for hire not on premises under control of employer.
- R. I.**
Art. 5 All persons who serve for hire, except casual em-
Sec. 1 ployment and that not for purpose of trade, business, etc. If salary over \$1800, excluded.
- U. S.**
Sec. 27 Includes apprentice. Excludes casual employment and that not for purpose of trade. Includes legal representatives.
- Vt.** Not mentioned, so presumably includes all.
- Wash.**
Sec. 3 All persons employed in specified industries whether by way of manual labor or otherwise, and whether on premises or otherwise. If injury occurs away from premises, option as to proceeding under Act or against party liable.
- Wis.**
Sec. 2394-7 All employees of State, etc., except officials. Employees of contractors doing work for municipal corporation not included. Excludes casual employment and that not for purpose of trade, business, etc., of employer.

EMPLOYER, DEFINITION OF.

- Cal.**
Sec. 4 All municipal corporations.
All other employers who elect Act.
- Ill.**
Sec. 2 All employers in specified trades.
- Ind.**
Sec. 9 Every person, firm, corporation, trustee, receiver, having anyone in their service for hire. Must employ 5 employees.
- Kan.**
Sec. 8 Every person, body of persons whether corporate or incorporate, legal representatives, trustees and receivers in specified industries. Must employ 15 employees.

Mass. Part Sec.	5 2	All employers who elect, including legal representatives of deceased employer.
Mich. Part Sec.	1 5	All municipal corporations. All other employers who elect Act.
Nevada Sec.	2	All persons, body of persons, whether corporate or incorporate, including legal representatives of deceased employer.
N. Hamp. Sec.	3	All employers who elect Act.
N. J. Sec.	23	Persons, partnerships and corporations who elect Act.
Ohio Sec.	20-1	All employers having at least 5 employees, who elect Act.
Penn. Art. Sec.	3 1	Employer is synonymous with master. Includes natural persons, joint stock companies, corporations for profit, corporations not for profit and municipal corporations. Exercise and performance of the powers and duties of a local or other authority shall be treated as the trade or business of the authority.
R. I. Art. Sec.	5 1	Natural persons, body of persons whether corporate or incorporate. Must employ 5 employees.
Wash. Sec.	3	Natural persons, partnerships, corporations, legal representatives of deceased employers in specified trades.
Sec.	17	Includes municipal corporations when engaged in extra hazardous industries.
Wis. Sec.	2394-5	All municipal corporations. All other employers who elect Act.

EXEMPTIONS FROM COMPENSATION LIABILITY.

Cal. Sec.	6	Casual employment and that not for the purpose of the employer's trade or business.
Ill. Sec.	21 22	Casual employment and that not for the purpose of the employer's trade, business, profession or occupation.

Clerical or administrative work which does not expose to the hazards of the business.

- Ind. Sec.** 1 Applies only to specified industries. Where there are less than 5 employees the Act does not apply.
- Kan. Sec.** 8 Applies only to specified industries. Where there are less than 15 employees the act does not apply.
- Md.** Act is entirely contractual.
- Mass. Part Sec.** 1 2 Domestic service, agriculture, casual employment.
- Mich. Part Sec.** 2, 1 7 Domestic service, agriculture, casual employment and that not for the purpose of the employer's business.
- Nevada** Applies only to specified industries.
- N. Hamp. Sec.** 1 Applies only to mechanical or manual labor in specified industries.
- N. J. Sec.** 23 Casual employment.
- Ohio Sec.** 20-1 Applies only to employers having 5 or more employees.
- Penn. Art. Sec.** 3 1 Casual employment and bailees for hire not on premises.
- R. I. Art. Sec.** 2, 1 3 Domestic servants, agriculture, casual employment, all employees earning over \$1800 annually, and all employments where less than 5 are employed.
- U. S. Sec.** 27 Casual employment and that not for the purpose of the employer's trade or business. A willful act of another for reasons personal to the injured employee does not come within the Act.
- Vt. Sec.** 11 Domestic service, farm laborers injured by fellow servant, and logging.
- Wash.** Applies only to specified industries.
- Wis. Sec.** 2394-7 Casual employment and that not for the purpose of the employer's business.

INSURANCE, EFFECT OF ACT ON EXISTING.

- Cal. Sec.** 24 Existing insurance contracts between Employer and Employee are not affected if Employer pays as much as Act provides. Does not affect any mutual organization of Employees. All insurance contracts are to be made in view of Act.
- Ill. Sec.** 15 Existing insurance contracts between Employer and Employee are not affected if Employer pays as much as Act provides. Does not affect mutual organizations of Employees. Employer may not withhold wages to pay insurance.
- Kan. Sec.** 34 Where Employer reinsures his liability, the Insurance Company is subrogated to all the rights of the Employer under Act so far as appropriate.
- Md.** Plan is wholly one of insurance.
- Mass. Part Sec.** 2 No insurance which any Employee may have is to be considered in making payments under the Act.
- Mich. Part Sec.** 1 An existing insurance between employer and employee not affected if employer pays as much as provided by Act. All insurance contracts to be made in view of Act.
- Mich. Part Sec.** 4 Act.
- Act is not to affect any employers' mutual company. Compensation shall not be reduced because of other insurance of employee. For details of Employers' Mutual Company see House Act No. 5.
- R. I. Art. Sec.** 2 Any other insurance of any kind held by Employee not to be taken into consideration in fixing compensation.
- Wis. Sec.** 2394-26 All insurance contracts to be made in view of Act. Company insuring liability must be approved by Commissioner.
- Wis. Sec.** 27

INTERSTATE COMMERCE, EFFECT OF ACT ON EMPLOYEES ENGAGED IN.

- Kan. Sec.** 27 Not to affect.
- Mich. Part Sec.** 6 Applies in so far as applicable.
- Mich. Part Sec.** 4

- U. S.** Affects only interstate commerce.
- Wash. Sec.** 18 Not to affect. Employer and Employee may voluntarily and jointly accept Act if not forbidden by Federal Statute.

In other states not mentioned.

LIENS OF ATTORNEYS.

- Ill. Sec.** 11 None unless amount approved by Judge in writing.
- Kan. Sec.** 15 None unless approved by Judge in writing.
38 Provision for approval by Court.
- Mass. Part Sec.** 3 Fees of attorneys and physicians to be approved by
13 Board.
- Mich. Part Sec.** 3 Fees of attorneys must be approved by Board.
10
- N. Hamp. Sec.** 11 None unless approved by Judge in writing.
- N. J. Sec.** 6 None unless approved by Judge in writing. After amount has been approved by Judge if notice is given to Employer, then attorney has lien.
- Penn. Art. Sec.** 2 None unless approved by Judge in writing. If
6 amount is approved and notice given to Employer, then attorney has lien. Court to fix the amount of such fee to be paid from each installment of compensation until paid.
- U. S. Sec.** 14 Must be approved by Adjuster in writing. Adjuster must fix fee in each case notwithstanding any agreement. Fee must not exceed a reasonable one.
- R. I. Art. Sec.** 2 Amount must be approved by Judge of Superior
3 Court.
- Wash. Sec.** 20 None unless amount approved by Judge in writing.
- Wis. Sec.** 2394-22 None exceeding 10 per cent. unless approved in writing by Board prior to suit.

LUMP SUM, HOW INSTALLMENTS COMMUTED TO.

- Ill. Sec.** 5 After payment of installments for 6 months may be granted in interests of justice.
5½
- Kan. Sec.** 33 After payments of installments for 6 months, a lump sum payment of 80 per cent. of amount which would be payable may be granted for cause shown.
- Mass. Part Sec.** 2 After 6 months, parties with approval of Board, may agree on lump sum payment for whole liability.
22
- Mich. Part Sec.** 2 After 6 months' payment of installments, a lump sum for balance due computed at 5 per cent. may be granted by Board. Parties may also agree upon lump sum with approval of Board.
22
- N. Hamp. Sec.** 9 At any time by Court upon cause shown.
- N. J. Sec.** 21 At any time upon application of either party if in the interest of justice.
- Ohio Sec.** 34 At any time in discretion of Board.
- Penn. Art. Sec.** 2 At any time on application of either party in interest of justice. A sum for all future payments may be paid to any Savings Bank, Trust Co., or Life Insurance Co., authorized to do business in this state to be held in trust for dependents. This releases Employer from all liability on the claim. Trustee must pay out same as provided in Act.
16
- R. I. Art. Sec.** 2 After six months for cause shown. Non-residence or removal from state is sufficient cause. To be computed on basis of 5 per cent. with annual rests.
25
Art. Sec. 3 In case of non-residence, payments may be made monthly or quarterly instead of weekly.
19
- U. S. Sec.** 29 After 6 months for cause shown. To be computed at 5 per cent. with annual rests.
- Wash. Sec.** 5 At any time computed according to American Mortality Table. Non-residence sufficient cause. Maximum \$4000.

MEDICAL ATTENDANCE FOR INJURED EMPLOYEES.

Cal. Sec.	8	For 90 days. Maximum \$100. If Employer fails to furnish same, may be furnished by Employee and Employer liable.
Ill. Sec.	5	For 8 weeks. Maximum \$200.
Mass. Part Sec.	2 5	Reasonable as needed, during waiting period of 2 weeks.
Mich. Part Sec.	2 4	Reasonable for 3 weeks.
N. J. Sec.	14	For two weeks. Maximum \$100. Employer not liable for same if Employee refuses same.
Ohio Sec.	33	Reasonable not to exceed \$200.
Penn. Art. Sec.	2 9	Two weeks. Maximum \$25.
R. I. Art. Sec.	2 5	Reasonable for two weeks. If Employer and Employee fail to agree on cost of same, to be fixed by Court.
U. S. Sec.	4	Reasonable during waiting period of 14 days with maximum of \$200, unless refused by Employee.
Wis. Sec.	2394-9	Reasonable for 90 days. If Employer refuses to furnish same, Employee may have same furnished at expense of Employer.

In all states mentioned above the Employer pays the expense. In other states not mentioned.

MEDICAL EXAMINATION, DETAILS OF

Cal. Sec.	11	On request of Employer from time to time. May have his own physician present. Compensation suspended during refusal. If refused physician of Board, compensation forfeited for period of refusal.
Ill. Sec.	9	As soon as practicable after accident. Thereafter not oftener than once in 4 weeks. Employee may have

own physician present. No compensation during refusal. In case of disagreement may call in third physician or judge may appoint third.

Ind. No provision for examination.

Kan. Not oftener than once in two weeks. Employee
Sec. 17 may have own physician present. Either side entitled to report of physician of other. No compensation during refusal.

18- If the physicians disagree, Court may appoint third
21 to be paid by parties. If no opportunity given to either side to have their physician present, the other physician may not testify as to his examination. Examining physician to give certificate to both parties. Not admissible as evidence unless supported by oral testimony of physician.

Md. As provided in contract of employment.

Mass. From time to time. Employee may have own phy-
Part 2 sician present. No compensation during refusal.
Sec. 19

Mich. From time to time. Employee may have own physi-
Part 2 cian present. No compensation during refusal. Physi-
Sec. 19 cian making examination may be compelled to testify.

Nevada Within 3 weeks. Thereafter not oftener than once
Sec. 7 in 6 weeks. No compensation during refusal.

N. Hamp. Within 2 weeks. Thereafter not oftener than once
Sec. 7 a week. No compensation during refusal.

N. J. Reasonable from time to time. May have own phy-
Sec. 17 sician. No compensation during refusal.

Ohio No provision for same.

Penn. Reasonable from time to time. May have own phy-
Art. 2 sician. No compensation during refusal.
Sec. 12

R. I. Reasonable from time to time. May have own phy-
Art. 2 sician. Compensation forfeited during refusal. On ap-
Sec. 21 plication Judge may appoint physician to make examination at expense of applicant. Makes a sworn report which is filed with Court and which is admissible as evidence.

U. S. Reasonable from time to time. May have own physician. No compensation during refusal. Employer may have autopsy at his own expense. Examination must be made within 2 years. Reports of examining physicians must be furnished to other side.

Vt. Not mentioned.

Wash. Reasonable from time to time. No compensation during refusal.

Wis. Reasonable from time to time. May have own physician. No compensation during refusal.

2394-12

General qualifications.

Examination is held at request of Employer who always pays for examining physician. When Employee has his own, he pays for him himself. Examination must be at reasonable place within the state and by physician licensed by the state.

NOTICE OF INJURY.

Cal. Within 30 days. To contain facts of injury. May be served personally or by registered mail. Failure or defect of notice is bar only so far as it prejudices Employer. Claim must be made for compensation within 6 months after injury or death. Payment of any compensation within 30 days is equivalent to notice.

Ill. As soon as practicable. Claim must be made within 6 months of injury or death. If the accident only causes temporary disability, the notice must be within 30 days. Defect is bar only so far as Employer is prejudiced. Where death or incapacity results, notice must be within 6 months. To contain facts of accident. May be served personally or by registered mail.

Ind. Follows general statutes. Claim is barred in 2 years.

Kan. Within 10 days. To contain facts of accident. Claim must be made within 6 months. May be served personally or registered mail. Want or defect only bar so far as Employer is prejudiced.

Md. As provided in contract of employment.

- Mass.** As soon as practicable. To contain facts of accident. May be served personally or by registered mail.
 Part 2
 Sec. 15, 16, 17, 18 Claim for compensation to be made within 6 months. Defect only bar when Employer is misled. Want of same is no bar if Employer had actual knowledge.
- Mich.** Within 3 months. To contain facts of accident.
 Part 2
 Sec. 15, 16, 17, 18 May be served personally or by registered mail. Defect in same is bar only when Employer misled. Want of same is no bar if Employer had actual knowledge. Claim must be made within 6 months.
- Nevada** As soon as practicable. To contain facts of accident.
 Sec. 4 Defect in same is bar only as far as Employer is prejudiced. Claim must be made within 6 months.
- N. Hamp.** As soon as practicable. Must be during disability
 Sec. 5 and before leaving employment. Want or defect is bar only so far as Employer is prejudiced. To contain facts of accident. May be served personally or by registered mail. Claim must be made within 6 months.
- N. J.** Within 14 days. If given within 30 days is good
 Sec. 15 so far as Employer is not prejudiced. If good cause is
 16 shown for the delay and the notice is given within 90 days, the notice is good so far as the Employer is not prejudiced. If not given within 90 days, compensation is barred. May be served personally or by registered mail. To contain facts of accident.
- Ohio** In case of death or injury which keeps Employee
 Senate from work more than 2 days, the Employer shall file
 Bill notice with the Factory Inspector within 3 days, setting
 No. 61 forth the facts required by the Act. Within 6 months after death or the returning to work of the Employee, the Employer must file a supplementary report of facts required by Act. Failure, \$50 to \$100 fine for first offense. All later offenses fine of \$200 to \$500.
- Penn.** Same as New Jersey, which see.
 Art. 2
 Sec. 10, 11

R. I. Within 30 days. To contain facts of accident. May
Art. 2 be served personally or by registered mail. Defect bar
Sec. 17, 18 only when Employer is misled. Failure to give is ex-
19, 20 cused for reasonable cause. Claim must be made within
1 year.

U. S. Within 30 days. To contain facts of accident. For
Sec. 7 cause shown may be given not later than 90 days. None
required if Employer has actual notice. None required
if death results within 24 hours. Defect is bar only
when Employer is prejudiced. Form given, but varia-
tions from that form, not material. May be served per-
sonally or by registered mail.

Vt. Within 60 days and action commenced within 2
Sec. 6 years. If because of incapacity notice cannot be given
within 60 days, it may be given within 30 days after the
removal of incapacity. If death results and Employee at
no time for 30 days was capable of giving the notice, it
may be given by the administrator within 60 days of
death. Defect bar only when intention to mislead and
Employer misled. If Employer objects to sufficiency of
notice, may notify Employee who may file new notice
within 30 days. No provision as to service.

Wash. Immediately. To contain facts of accident. Must
Sec. 12 be accompanied by certificate of physician. Physician's
14 duty to inform Employee of his rights and to give neces-
sary assistance. If injury results in death, must fur-
nish proof of death and relationship. Must be filed
within 1 year.

Wis. Within 30 days. Facts of accident. May be served
Sec. 2394-11 personally or by registered mail. Want or defect only
bar when Employer is misled. Payment within 30 days
is equivalent to notice. Claim barred in 2 years.

General qualifications.

Service may be made at last known residence or
place of business, except in Ohio and Washington where
it is made on state officials.

Claim within 6 months, means within 6 months of
injury or, in case the injury results in death, within 6
months of death.

PARTIAL DISABILITY, COMPENSATION FOR

Cal. Sec.	8	65 per cent. weekly loss of wages, which equals difference in amount earned before and after accident. Maximum amount is 3 years' wages. Maximum time over which it may extend, 15 years.
Ill. Sec.	5	50 per cent. during continuance. Weekly limits, \$5 to \$12. Cannot exceed amount payable for death. In case of disfigurement, may have additional compensation, not to exceed $\frac{1}{4}$ of death claim. In case of permanent partial disability, payment is 50 per cent. of difference in wages before and after accident.
Ind. Sec.	4	Commensurate with injury. Liability law.
Kan. Sec.	11	25 to 50 per cent. of loss of wages. Weekly limits, \$3 to \$12. If employee is under 21 and wages are less than \$10 weekly, then 75 per cent. Maximum time, 10 years.
Md.		According to contract.
Mass. Part Sec.	2 10 11	50 per cent. of loss of wages during continuance. Maximum \$10 weekly. Maximum time 300 weeks. Maximum amount, \$3000. Specific cases as follows: Two hands; two feet; one of each; two eyes; 50 per cent. for 100 weeks. One hand; one foot; one eye; 50 per cent for 50 weeks. Two fingers or toes; 50 per cent for 25 weeks. One joint of finger or toe; 50 per cent. for 12 weeks. On specific cases weekly limits are \$4 to \$12.
Mich. Part Sec.	2 10 11	50 per cent. of difference before and after accident. Specific cases as follows: Thumb, 60 weeks; first finger, 35 weeks; second finger, 30 weeks; third finger, 20 weeks; fourth finger, 15 weeks; great toe, 30 weeks; other toes, 10 weeks; hand, 150 weeks; arm, 200 weeks; foot, 125 weeks; leg, 175 weeks; eye, 100 weeks. Amount payable in specific cases 50 per cent. with weekly limit of \$10. Maximum time, 300 weeks.
Nevada Sec.	6	Proportionate to impairment of earning capacity.

For loss of one member, 15 per cent. additional. Maximum, \$3000.

N. Hamp. Not to exceed 50 per cent of the difference before
Sec. 6 and after injury. Maximum weekly \$10. Maximum time, 300 weeks.

N. J. Temporary partial, 50 per cent. during continuance.
Sec. 11 Specific cases as follows:

Same as Michigan, for which see. Other cases in proportion to injuries enumerated.

All payments are subject to weekly limits of \$5 to \$10, except where wages are less than \$5 weekly, then paid in full. Maximum time, 300 weeks.

Ohio $\frac{2}{3}$ of the impairment of earning capacity. Weekly
Sec. 26 limits, \$5 to \$12, except where wages are less than \$5 weekly, when paid in full. Maximum time, 6 years. Maximum amount \$3400.

Penn. Weekly limits, \$5 to \$10, except when less than \$5,
Art. 2 then paid in full. Maximum time 300 weeks. Temporary
Sec. 5 partial, 50 per cent. during continuance. Specific cases as follows: hand, 175 weeks; arm, 215 weeks; foot, 150 weeks; leg, 215 weeks; eye, 125 weeks.

R. I. 50 per cent. difference before and after accident.
Art. 2 Weekly limits, \$4 to \$10. Maximum time, 300 weeks.
Sec. 11 Specific cases same as Massachusetts, for which see.
Sec. 12

U. S. Specific cases as follows: 50 per cent. paid monthly
Sec. 21 for periods given:
D

Arm, 72 months; hand, 57 months; one ear, 36 months; leg, 66 months; foot, 48 months; two ears, 72 months; one eye, 30 months; thumb, 13 months; first finger, 9 months; second finger, 7 months; third finger, 6 months; fourth finger, 5 months; great toe, 9 months; any other toe, 4 months. In all other cases in proportion to injuries enumerated, but in no case to exceed 72 months.

Sec. 22 Temporary partial, 50 per cent. of loss of wages while not employed. If work is offered and refused, no compensation. Loss of wages must equal 10 per cent. or no compensation. If loss exceeds 10 per cent., compensation must make earnings equal 90 per cent. of wages be-

fore injury, but not to exceed 50 per cent. of wages before injury. Time at work reduces to that extent the aggregate period for which compensation is payable.

Wash. For loss of one member, lump sum equal to injury.
Sec. 5 Maximum \$1500. Loss of arm above elbow is the maximum injury and others are to be computed with that as a basis. If Employee is unmarried, then parents receive 10 per cent. of amount paid to Employee. This is in addition to the amount paid to Employee. If there are two injuries, compensation for the latter injury shall be computed taking into consideration the combined injuries and the past amount of money paid.

Wis. 65 per cent of loss of wages. Maximum time, 4
Sec. years.
Sec. 2394-9

PREFERENCE OF COMPENSATION OVER OTHER CLAIMS.

Cal. Same as wages. Is not assignable or subject to
Sec. 22 debts. Does not impair lien of an award of compensa-
 23 tion.

Ill. Same as wages but is prior to wages. Not assign-
Sec. 11 able or subject to debts except as wages are.

Kan. Not assignable. Not subject to debts except for
Sec. 15 medicine, medical attendance and nursing.

Md. Not assignable or subject to debts.

Mass. Not assignable or subject to debts.

Part 2
Sec. 21

Mich. Not assignable or subject to debts. Prior lien in
Part 2 insolvency except as to wages and taxes.
Sec. 21

Nevada Same as wages. Cannot impair lien of award of
Sec. 12 compensation.

N. Hamp. Same as wages. Not assignable or subject to debts.
Sec. 10

N. J. Same as wages. Not assignable or subject to debts.
Sec. 22

Ohio Not assignable or subject to debts.
Sec. 35

- Penn.** Not assignable or subject to debts.
 Art. 2
 Sec. 17
- R. I.** Not assignable or subject to debts. Prior to unse-
 Art. 2 cured debts as wages. Cannot impair lien of an award
 Sec. 23, 24 of compensation.
- U. S.** Not assignable or subject to debts. First lien in
 Sec. 16 insolvency after wages and taxes.
- Wash.** Not assignable or subject to debts. (First lien.)
 Sec. 10 Does not pass by operation of law.
- Wis.** Not assignable or subject to debts. Prior lien after
 Sec. 2394-23 lien of an award of compensation.
 24

PROCEDURE IN CASE OF DISAGREEMENT AS TO COMPENSATION.

- Cal.** Petition setting up facts is filed with Board. Hear-
 Sec. 15 to 20 ing must be held not later than 40 days. Copy of peti-
 tion is sent to adverse party within 10 days. May be
 served personally or by mail. Board makes finding of
 facts and award. Has plenary powers for obtaining evi-
 dence. May take evidence *ex parte*. Award is final ex-
 cept for fraud. Certified copy of decision is filed with
 Court for Judgment.
 Appeal can be taken within 30 days. Court may
 only set award aside (1) because Board exceeded its
 powers; (2) for fraud; (3) the finding of facts does not
 support the award. Court may remand case to Board
 or enter proper judgment. Appeals to Supreme Court
 are privileged.
- Ill.** Usual method is by arbitration. Appeal from award
 Sec. 10 of arbitrators may be taken within 20 days. Bond on
 appeal is required. Trial is *de novo*. May have jury.
 Procedure follows general laws.
- Ind.** Liability law and follows general statutes.
- Kan.** Appeal from arbitartors lies to Court. Trial *de*
 Sec. 36 *novo*. May have jury. Judgment is for lump sum or
 periodical payments. Action must be brought by per-
 sons entitled to compensation. Trial must be held within

state. Provision is made for notice to non-residents by publication.

Md. Follows general statutes.

Mass. Appeals from arbitrators lie to Board within 7 days.
Part Trial is *de novo*. Decision of Board is final except as to
Sec. 3 questions of law. Appeals to Supreme Court must be
 10, 11 taken within 30 days.

Mich. Appeals from arbitrators go to Board. Trial is *de*
Part 3 *novo*. Decision is final except for fraud. Certified copy
Sec. 11 of award of arbitrators when filed in Superior Court
 12, 13 has same effect as judgment of that Court. Appeals to
 Supreme Court must be taken within 30 days.

Nevada If parties do not agree on arbitration, procedure
Sec. 9 follows general laws.

N. Hamp. If parties do not agree, either party may bring peti-
Sec. 9 tion in equity to Superior Court. Can be heard in term
 time or vacation. Judgment is for sum then due or pros-
 pectively to become due. If judgment does not appor-
 tion compensation, it is apportioned by Probate Court.

N. J. Petition filed as in civil action. Hearing may be had
Sec. 18 after 3 weeks. Petition must be verified and copy of
 20 same served on adverse party as a summons within 4
 days after filing. Verified answer must be filed within
 7 days. Not any further pleadings. Judgment is sum-
 mary and finding of fact filed with Clerk. Finding of
 fact is final. Appeal to Supreme Court on matters of
 law.

Ohio All disputes settled by Board. On certain questions
Sec. 36 such as the applicability of the Act, an appeal is allowed
 36-1 to Court within 30 days. Board is named as defendant.
 Jury may be had. Pleadings are as in civil actions. In
 matters before Board, it is governed by its rules.

Penn. If parties do not agree or file petition within 6
Art. 2 months, the claim is barred. Petition is filed in court
Sec. 13 and must be verified. Copy of same served on adverse
 14 party as a summons within 4 days. Verified answer must
 15 be filed within 7 days. Judgment is summary and filed
 19 with clerk together with finding of fact. Finding of

facts is final. Appeals to Supreme Court must be heard at next term. Does not act as supersedeas except when the judgment relates to commutation. In case of default of payment, 10 days after demand is made, a petition may be filed setting forth the facts. Judgment is for amount due with interest. Stay of execution on such a judgment is in discretion of the Court.

R. I. Petition in equity showing facts of accident and
 Art. 3 claims for compensation filed in Court. Copy served on
 Sec. 3, 4 adverse party as a summons within 4 days. Answer
 5, 6 within 10 days. Cases are privileged and may be heard
 2, 7 after 15 days. Trial is as summary as possible. In case
 11 to 18 of minors, guardian *ad litem* is appointed. Decision in
 writing is filed with clerk and judgment entered thereon.
 Judgment can be enforced by execution against the property and also by contempt proceedings. Finding of facts filed is conclusive except for fraud. Venue is county of accident or residence. If no suit, claim barred in 2 years.

Appeals to Supreme Court within 10 days. Appeal suspends decree. Supreme Court may affirm, reverse or enter the proper judgment. No execution can issue except by consent of parties until after 10 days from judgment.

U. S. Appointment, powers, etc., of Adjuster.
 Sec. 13 Petition in ordinary language is filed with Adjuster.
 14 Answer in 10 days. Adjuster files award with Court. Notice of same sent to parties. Appeal may be had to Court within 6 months. Is trial *de novo*. Jury may be had. Copies of pleadings served as at law. If no suit is brought or agreement made within 6 months, claim is barred unless failure is caused by employer. Absolutely barred after one year.

Vt. Petition to Superior Court. Practice follows that of
 Sec. 10 civil actions. Judge may order examination of the premises.

Wash. Claim for compensation together with proof of in-
 Sec. 12 jury is filed with insurance department. In case of death
 20 proof of death and relationship must also be filed. Must be filed within 1 year. Appeal may be taken from department's ruling to Court. Matters in discretion of de-

partment cannot be reviewed. Trial is informal and summary. Notices of appeal must be given to member of department within 20 days. No bond required on appeal except in one case from Employer. Appeal does not act as stay. Except in one case, jury trial is in the discretion of the Court. Attorney General is attorney for department. Decision of department is *prima facie* correct and burden of proof is on party attacking it.

Wis. Application to Board setting up facts. Board shall
 Sec. give hearing within 40 days. Notice to adverse party
 2394-15 by personal service or by mail within 10 days. Board
 16 may take testimony *ex parte*. Makes finding of facts
 17 and award. May order compensation concerning which
 18 there is no question, *pendente lite*. If employer fails to
 19 comply with such order, Board may order 25 per cent.
 20 additional as penalty. Certified copy or award may be
 21 filed in court for judgment. Is final except for fraud.
 22 Appeal may be taken to court within 20 days. Board
 and adverse party are made defendants. Complaint on
 appeal is served with summons. Answer in 20 days.
 Hearing on 10 days' notice. Court may only set award
 aside (1) fraud, (2) Board exceeded its powers, (3)
 finding of facts does not support the award. Court may
 remand or enter proper judgment. Appeals to Supreme
 Court are privileged. Attorney General acts for Board.

In all states appeals on questions of law may be taken to Supreme Court.

REPORTS TO STATE OFFICIALS AS TO ACCIDENTS.

Cal. Act only provides that Board shall furnish blanks to
 Sec. 27 Employers. No time fixed for reports.

Ill. Reports made to Secretary of State Bureau. In
 Sec. 19 case of death must be made at once. Other cases for
 which compensation is claimed are reported from the
 15th to the 25th of each month. Must report such facts
 as Board requires. No reports to any other officials.

Kan. Annually to State Commission such facts as re-
 Sec. 16 quired.

- Mass.** Within 48 hours of accident, Sunday and holidays
 Part 3 excluded. Such facts as required by Board. Penalty
 Sec. 18 for failure, fine of \$50. If disability extends over 60
 days a supplementary report must be filed.
- Mich.** Within 10 days on blanks to be furnished by Board.
 Part 3 Penalty for failure to comply, fine of \$50.
 Sec. 17
- N. Hamp.** As required by Labor Commissioner. If Employer
 Sec. 12 fails to make report becomes liable under liability section.
- N. J.** Within 3 days. In case of death a supplemental re-
 Chap. 241 port within 5 days. Penalty for first offense, \$50 to
 \$100; for second offense, \$200 to \$500.
- U. S.** As required by Interstate Commerce Commission.
 Sec. 32
- Wash.** In case of death or permanent disability to be made
 Sec. 5 to State Treasurer at once.
- Wis.** No stated time. Blanks furnished by Board.
 Sec. 2394-29
- Ohio** Within 3 days. In case of death a supplemental re-
 Chap. 61 port within 5 days. Penalty for first offense fine of \$50
 to \$100. For each succeeding offense, fine of \$200 to
 \$500.

REVIEW OF AMOUNT OF COMPENSATION.

- Cal.** Not specifically mentioned but under authority
 Sec. 15 given to the Board such matters would necessarily come
 before it.
- Ill.** After payments for 6 months and before 18 months,
 Sec. 18 review may be had on application to the Court. New
 medical examination may be had. Court may end, in-
 crease or diminish same as facts justify.
- Kan.** After payment for 1 year. New medical examina-
 Sec. 32 tion. May end, increase or diminish as facts justify.
- Mass.** Board on application may end, increase, diminish
 Part 3 amount being paid as the facts justify.
 Sec. 12

- Mich.** Same as Massachusetts.
Part 3
Sec. 14
- N. Hamp.** Not specifically mentioned but under this section
Sec. 9 would be matter for Court.
- N. J.** After 1 year on application of either party. New
Sec. 21 medical examination. May end, increase, or diminish
amount paid as facts justify.
- Ohio** By Board at any time. Board has usual powers of
Sec. 33 ending, increasing, or diminishing as facts justify.
- Penn.** Same as New Jersey.
Art. 2
Sec. 16
- R. I.** Within 2 years by Superior Court on application of
Art. 3 either party. Notice is given to adverse party. New
Sec. 14 medical examination. May end, increase or diminish as
facts justify.
- U. S.** Within 2 years by adjuster. New medical examina-
Sec. 11 tion. May end, increase or diminish as facts justify.
- Wash.** By department on application or of its own motion.
Sec. 5 May end, increase or diminish as facts justify.
- Wis.** By Board within 1 year. May end, increase or
Sec. diminish amount being paid as facts justify.
2394-15
- General qualification.
In all states reason for review is that the incapacity
has ended, increased or diminished. Notice is always
given to adverse party.

STATE INSURANCE.

- Mich.** Employer must adopt one of 4 methods of payment:
Part 4
Sec. 1 (1) if financially responsible to pay directly to em-
Part 5 ployees.
Sec. 1 (2) to insure in a liability company.
(3) to insure in Employers' Mutual Company.
(4) to have insurance commissioner manage payments.
In any case method must be approved by Board.
Five or more employers having at least 3000 em-

employees may request insurance commissioner to handle compensation. He gives additional bond of \$25000. He creates a separate department. Classifies risks and fixes premiums. May inspect books of employers. Pays compensation from fund. State only liable for amount collected. If Employer defaults in payment, Employee may sue at law. State may collect unpaid premiums by suit. If Employee chooses to sue at law, if he recovers more than would be payable as compensation, he receives nothing from fund; if he recovers less, the deficit is made good from fund. If he elects to take compensation, his rights are assigned to State. Any Employer may withdraw by 30 days' notice before end of year. Employer may relieve himself of liability for any compensation due by depositing a lump sum at 3 per cent. or by purchasing an annuity. Controversies are settled in same manner as between Employer and Employee.

Commissioner may inspect books of Employer and if refused, Employer liable to fine of \$50. In case there should not be sufficient funds to make any payment, the Employer for whom injured employee was working, pays the amount and is credited with the same and interest on his next premium.

Ohio
Sec.

18
19
20
20-1
20-2
21

Wholly state insurance. Act applies to all employers having at least 5 employees. Employer pays 90 per cent. and employees 10 per cent. Premiums are paid semi-annually. For powers of Board, see Boards and Commissions. Employer is permitted to deduct premiums from wages of Employees, but must give him receipt. State insurance fund is created. Rules and regulations for same made by Board.

Funds are kept by State Treasurer. Payments are made only on vouchers. Must give separate bond for amount fixed by Governor. Bond must have sureties.

Wash.
Sec.

4
5
8
15
16
21-26

Plan is wholly one of State Insurance. Section 4 specifies the amount to be paid by each industry. Fund is meant to be only self-supporting. Premiums may not be deducted from wages of employee. Department may reclassify risks and rearrange premiums according to experience. Entire wages of employees to be used in computations. In case of death or permanent disabil-

ity the state treasurer shall set aside from the fund an amount computed according to the American Mortality Table. This is invested according to law. Compensation is paid from the income. If income not enough, treasurer may borrow from fund, but must repay same.

If Employer defaults in payment of premium, the State can collect same by suit.

Employers' books must be open to the department for inspection. Refusal constitutes a misdemeanor.

Misrepresentation as to facts of employment or wages paid is a misdemeanor.

Department consists of three members appointed by the Governor. Term, 6 years. Removable at discretion of Governor, but reasons for removal must be filed within 10 days. Salary, \$3600 and expenses. May employ assistants at not to exceed \$5 per day. Makes own rules of procedure, classifies risks, fixes premiums, supervises medical examinations, medical and surgical aid, gives receipts for premiums received and takes them for amounts expended, investigates accidents, compiles statistics and makes annual reports, not more than 60 nor less than 30 days before session of legislature.

Payments are only made on vouchers signed by members of department. If not sufficient funds to pay any loss, Employer whose Employee is injured, may advance same which is repaid with interest.

SUBROGATION OF EMPLOYER TO RIGHTS OF EMPLOYEE AS AGAINST THIRD PERSONS.

Cal. Sec.	26	Employer is subrogated and may sue in his own name.
Ill. Sec.	16 17	In case of insolvency, the Employee is subrogated to the rights of the Employer as against any insurance company.
		Employer is subrogated to rights of Employee.
Kan. Sec.	5	Employer is subrogated.
Mass. Part Sec.	3 15	Employer is subrogated and may sue in his own name.

Mich.		Same as Massachusetts.
Part	3	
Sec.	15	
Nevada		Same as Massachusetts.
Sec.	13	
Penn.		Employer is subrogated but if he recovers a greater
Art.	2	amount than amount payable under the Act, the excess
Sec.	20	goes to Employee.
R. I.		Employer is subrogated.
Art.	3	
Sec.	20	
U. S.		Employer is subrogated.
Sec.	18	
Wash.		In certain cases State is subrogated.
Sec.	8	
Wis.		Same as California.
Sec.		
	2394-25	

General qualifications.

In case the injury is caused by the negligence of some person other than the Employer, the Employee may accept compensation or sue the person liable. If he chooses to take compensation, then, in above states, the Employer is subrogated to the rights of the Employee as against the person liable.

The situation arises also in the case of contractors and sub-contractors.

TOTAL DISABILITY, COMPENSATION FOR.

Cal.		65 per cent. during continuance. If nurse required,
Sec.	8	increased to 100 per cent. Maximum, 3 years' wages.
		Maximum time over which it may continue, 15 years.
Ill.		50 per cent. Maximum time, 8 years. Weekly lim-
Sec.	5	its, \$5 to \$12. If amount paid equals the amount payable
		in case of death, then there shall be paid for life, 8 per
		cent of the amount payable for death with a minimum of
		\$10 monthly. If death results during continued disabili-
		ty, there shall be paid the balance between the amount
		payable for death and the amount already paid. Mini-
		mum payment in such case to be \$500. If the injury is

permanent but not total, then maximum is 25 per cent. of death benefit.

Ind. Sec.	4	Commensurate with injury suffered. Is liability law.
Kan. Sec.	11	Fifty per cent. during continuance. Weekly limits, \$6 to \$15.
Md.		Fifty per cent. during disability. Consists of loss of two members, brain or spinal trouble.
Mass. Part Sec.	2 9	50 per cent. Maximum time, 500 weeks. Maximum amount, \$3000. Weekly limits, \$4 to \$10.
Mich. Part Sec.	2 9	50 per cent. Maximum time, 500 weeks. Maximum amount, \$4000. Weekly limits, \$4 to \$10. Consists of loss of two members, brain or spinal trouble.
Nevada Sec.	6	60 per cent. If loss of two members, 40 per cent. additional. Maximum amount, \$3000.
N. Hamp. Sec.	6	Not to exceed 50 per cent. during continuance. Maximum weekly, \$10. Maximum time, 300 weeks.
N. J. Sec.	11	50 per cent. Maximum time 400 weeks. Weekly limits, \$5 to \$10, unless wages are less than \$5, then in full. Consists of loss of two members, brain or spinal trouble.
Ohio Sec.	27	$\frac{2}{3}$ during life. Weekly limits, \$5 to \$12. If wages less than \$5, then in full.
Penn. Art. Sec.	2 5	Temporary total, 50 per cent. during continuance not to exceed 300 weeks. Weekly limits, \$5 to \$10. If wages less than \$5, then in full. Permanent total, same except time extended to 400 weeks.
R. I. Art. Sec.	2 10	50 per cent. Weekly limits, \$4 to 10. Maximum time, 500 weeks. Consists of loss of two members, brain or spinal trouble.
U. S. Sec. B C	21	loss Permanent total, 50 per cent. for life. Consists of two members, brain or spinal trouble. Temporary total, 50 per cent. during continuance.
Vt. Sec.	5	Maximum amount \$4000.

- Wash.**
Sec. 5 For loss of two members, brain or spinal trouble, there shall be paid during disability the following monthly:
- (1) If unmarried, \$20.
 - (2) Wife or invalid husband, \$25; if husband is not invalid, \$15.
 - (3) If there are children in addition to (2), \$5 for each child with maximum of \$35.
 - (4) In case of death during continued disability from whatever cause, leaving widow or invalid widower or child under 16, the surviving spouse shall receive \$20 monthly for life or until remarriage, increased \$5 for each child under 16, with maximum of \$35. On remarriage of spouse, payments to children as before.
 - (5) Child alone under 16, \$10 monthly until 16.
 - (6) Temporary total, the foregoing payments are increased 50 per cent. for the first 6 months, but not to exceed 60 per cent. of the wages received at the time of the accident. Monthly wages equals 26 times daily. If the workman returns to work and the loss of wages is less than 5 per cent., compensation ceases. If it exceeds 5 per cent., then compensation shall be paid in proportion of the new earning power to the old.

- Wis.**
Sec. 2394-9 65 per cent during continuance. If nurse is required, is increased to 100 per cent. Maximum amount, 4 years' wages. Maximum time over which it may extend, 15 years.

Brain or spinal trouble as used herein means an injury to the brain causing imbecility or insanity or an injury to the spine causing paralysis of the arms or legs.

WAGES, AVERAGE, HOW COMPUTED.

- Cal.**
Sec. 9 Weekly wages equals 1-52 of annual. Annual not less than \$333.33 nor more than \$1666.66. Annual computed as follows:
- (1) 300 times daily for same employee or in same employment for preceding year.
 - (2) 300 times daily of an Employee of the same class,

in same or similar employment, in same neighborhood for preceding year.

- (3) Regard being had to previous earnings of injured employee as compared with wages of similar employees so as to get a reasonable wage.
- (4) If a subsequent injury, after receiving or while receiving compensation, compensation is to be computed as of later injury.
- (5) In case of partial incapacity, basis is to be difference in earning power before and after accident, to be determined at the time of the injury according to its nature and extent.

Ill.
Sec.

- (1) Wages for preceding year with same Employer.
- 6 (2) 300 times average daily wage for time actually worked.
- (3) Regard to previous earnings as compared with like Employees in same or similar employment in same locality.
- (4) If no wages or less than adult wage, then 300 times average daily local wage.
- (5) If seasonable occupation, then time actually employed, with minimum of 200 days.
- (6) Only regular hours to be computed.
- (7) If two injuries, compensation to be apportioned.

Kan.
Sec.

- (1) On 52 weeks prior to passage of the Act.
- 12 (2) Regard to wages of like Employees of same grade in same or similar locality.
- (3) Regular hours only to be computed.
- (4) Partial incapacity equals one-half difference before and after the accident.
- (5) If employed by two or more Employers, to be computed as of Employer by whom employed at time of accident.

Mass.
Part
Sec.

- (1) Wages for 12 months prior to accident divided by 52 equals average weekly wage.
- 5
2 (2) If Employee is out over 2 weeks, divide by number of weeks actually worked.
- (3) Compared with wages of similar employment for preceding year in same or neighboring locality.

- Mich. Part Sec.** 2
11 Weekly wages equal 1-52 of annual. Annual computed as follows:
- (1) Wages for preceding year for same Employer.
 - (2) 300 times daily for time actually employed.
 - (3) As compared with wages of like Employees of same or similar class in same neighborhood.
 - (4) Regard being had to previous earnings of injured Employee as compared with like employees of the same class which shall reasonably represent his earning capacity.
 - (5) Weekly, loss of wages equals the proportionate impairment of his earning capacity, taking into consideration the nature and extent of the injury.
 - (6) If there are two injuries, compensation is to be on basis of earning power at time of subsequent injury.
- N. J. Sec.** 11 Wages at time of injury.
- Penn. Art. Sec.** 2
5 Wages at time of injury. Week equals 5½ days.
- Ohio Sec.** 31
32 Average weekly at time of injury, taking into consideration any probable increase in future earnings.
- R. I. Art. Sec.** 2
13 (1) Weekly equals 300 times daily divided by 52, when employed by same Employer.
- (2) 300 times daily of an Employee of same class for preceding year, in same or similar employment in neighboring locality.
 - (3) Regard to previous earnings of injured Employee as compared with earnings of like Employees in same or similar employment in same locality.
 - (4) If employed by 2 employers, to be computed on basis of wages of Employer for whom working when injured.
 - (5) Two injuries, for later computed as of wages at time of later.
- U. S. Sec.** 20 Monthly equals 26 times daily for class of service in which employed. Maximum and minimum, \$100 and \$50. If wages less than \$25 monthly, compensation not to exceed that for first 24 months.

Wis. Same as California except that annual wage limits
Sec. are \$375 to \$750.
 2394-10

Methods of computation are used in the order indicated.

WAITING PERIOD BEFORE COMPENSATION BEGINS.

Cal.		One week.
Sec.	8	
Ill.		Six working days.
Sec.	5 (b)	
Kan.		Two weeks.
Sec.	1 (a)	
Md.		One week.
Mass.		Two weeks.
Part	2	
Sec.	4	
Mich.		Two weeks, but if disabled for 8 weeks, none.
Part	2	
Sec.	3	
Nevada		Ten days.
Sec.	6	
N. Hamp.		Two weeks.
Sec.	3	
N. J.		Two weeks.
Sec.	13	
Penn.		Two weeks.
Art.	2	
Sec.	9	
Ohio		Two weeks.
Sec.	25	
R. I.		Two weeks.
Art.	2	
Sec.	4	
U. S.		Fourteen days.
Sec.	4	
Wis.		One week, but if disabled for four weeks, none.
Sec.		
2394-9		

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